

Message Text

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PAGE 01 STATE 004564
ORIGIN ARA-10

INFO OCT-01 ISO-00 EB-07 COME-00 DODE-00 MC-02 CIAE-00
INR-07 NSAE-00 ERDA-05 USIA-06 OMB-01 TRSE-00 IGA-02
/041 R

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ARA/ECP - INFO
-----082246Z 115466 /60
R 082235Z JAN 77
FM SECSTATE WASHDC
TO AMEMBASSY BRASILIA
INFO AMCONSUL RIO DE JANEIRO
AMCONSUL SAO PAULO

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E.O. 11652:N/A

TAGS: BEXP, ESTC, BR

SUBJECT: SALE OF U.S. RADAR TO EMBRAER

REF: BRASILIA 10217

1. QUESTION RAISED PARAGRAPH 4A. REFTTEL CANNOT BE ANSWERED
DEFINITELY, BECAUSE SHAPE OF FUTURE LEGISLATIVE OR POLICY
RESTRAINTS ON U.S. ARMS EXPORTS IS NOT CLEAR. FURTHER,
RESTRAINTS CAN BE EITHER COUNTRY-SPECIFIC OR REGIONAL IN
NATURE. CHILE IS CUT OFF BY SECTION 406.(A) OF PUBLIC LAW
94-329 FROM ANY SECURITY ASSISTANCE, SALES OR EXPORT
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LICENSES UNDER THE ARMS EXPORT CONTROL ACT. URUGUAY, ON
THE OTHER HAND, IS FOR THE MOMENT PROHIBITED BY SECTION 505
OF PUBLIC LAW 94-441 FROM MILITARY ASSISTANCE, GRANT
MILITARY TRAINING OR FMS CREDITS, BUT NOT FROM CASH SALES
OR EXPORT LICENSES.

2. OTHER LATIN AMERICAN COUNTRIES HAVE NOT BEEN SINGLED

OUT BY NAME IN CURRENT LEGISLATION, BUT IN FUTURE MAY BE SUBJECT TO RESTRAINTS BASED ON NEW LAWS OR SUBSEQUENTLY DEVELOPED EXECUTIVE BRANCH POLICY (RELATING TO HUMAN RIGHTS, REGIONAL ARMS LIMITATION OR OTHER CONCERNS). ALSO THE NATURE OF THE MUNITIONS OR MUNITIONS-RELATED ITEMS TO BE SOLD IS AS IMPORTANT AS THE INTENDED RECIPIENT, GIVEN

CONSIDERATIONS OF DEGREE OF SOPHISTICATION, LETHALITY, PRECEDENT OR PRIOR SALES IN THE REGION, ETC.

3. BEST DEPARTMENT CAN DO, THEREFORE, IS TO EXAMINE EACH PROPOSED SALE INVOLVING U.S. MADE OR LICENSED EQUIPMENT ON A CASE BY CASE BASIS. IT IS RECOGNIZED THAT U.S. LAW AND POLICY MAY RESULT IN SALES BY FOREIGN SUPPLIERS WHO ARE NOT SIMILARLY RESTRAINED, BUT IT IS AN AXIOM THAT MUNITIONS CONTROL DECISIONS ARE NOT DRIVEN BY THE NATURE OF COMPETITIVE OFFERS.

4. WITH REGARD TO QUESTION RAISED PARAGRAPH 4B. REFTTEL, THE ANSWER WOULD DEPEND ON PURCHASER INTERESTS, BUT, AS NOTED IN STATE 297156, AIL DIVISION OF CUTLER-HAMMER IS WORKING WITH DODE AND STATE PM/MC TO DEVELOP A VERSION OF THE RADAR WHICH WOULD BE LICENSEABLE BY THE DEPARTMENT OF COMMERCE AS A COMMERCIAL RADAR AND WOULD BE COMPETITIVE. PM/MC REPORTS THE COMPANY WILL SOON BE RECEIVING NEW INSTRUCTIONS IN THIS CONNECTION. SINCE THE DEPARTMENT DOES NOT YET KNOW DETAILS OF THE FINAL PRODUCT, A CONCRETE ANSWER ON COMPETITIVENESS IS NOT POSSIBLE.

KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: RADAR, SALES, LAW, STRATEGIC TRADE CONTROLS, EXPORT LICENSES
Control Number: n/a
Copy: SINGLE
Sent Date: 08-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE004564
Document Source: CORE
Document Unique ID: 00
Drafter: CEFINAN:BJF
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770008-0431
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770168/aaaachss.tel
Line Count: 97
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 9d02b7db-c288-dd11-92da-001cc4696bcc
Office: ORIGIN ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 BRASILIA 10217
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 30-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3637019
Secure: OPEN
Status: NATIVE
Subject: SALE OF U.S. RADAR TO EMBRAER
TAGS: BEXP, ESTC, BR
To: BRASILIA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/9d02b7db-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009